

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, OCTOBER 16, 2006

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, October 16, 2006 at 7:07 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Lundberg, Ballew, Ralston, Woodrow, and Pishioneri. Also present were City Manager Gino Grimaldi, Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

Councilor Fitch was absent (excused).

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

1. Claims

- a. Approval of the September 2006, Disbursements for Approval.

2. Minutes

- a. September 25, 2006 – Work Session
- b. October 2, 2006 – Work Session
- c. October 2, 2006 – Regular Meeting
- d. October 9, 2006 – Work Session

3. Resolutions

- a. RESOLUTION NO. 06-41 – A RESOLUTION INITIATING MEMBERSHIP IN THE CITY COUNTY INSURANCE TRUST (CIS) AND ADOPTING THE POLICIES AND IMPLEMENTATION RECOMMENDATIONS MADE BY THE CITY MANAGER.
- b. RESOLUTION NO. 06-42 – A RESOLUTION FOR ACCEPTANCE OF PROJECT P30484; PHOENIX PLACE SUBDIVISION.

4. Ordinances

5. Other Routine Matters

- a. Approve an Amendment to the Police Towing Agreement to Allow Inside Storage Fees Between \$35 and \$90.
- b. Approval of Liquor License Endorsement for Big Sky Deli, Located at 1330 Mohawk Blvd., Springfield, OR.
- c. Approval of Liquor License Endorsement for Metro, Formerly Quizno's Classic Subs, Located at 770 South A Street, Springfield, OR.
- d. Approval of the Liquor License Endorsement for Mountain Valley Pizza, Located at 3161 Gateway Street, Springfield, OR.
- e. Authorize and Approve the Purchase of Tax Lot 1000, Township 18S, Range 2W, Section 6, and Directing the City Manager to Execute all Documents Required to Complete the Transaction.

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS - Please limit comments to 3 minutes. Request to speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.

1. Initiation of Annexation and Extraterritorial Sanitary Sewer Extension to the City of Springfield, Journal Numbers LRP2006-00023 and 2006-00024 (Reynolds/Home Builders)

RESOLUTION NO. 06-43 – A RESOLUTION INITIATING EXPEDITED ANNEXATION AND EXTRATERRITORIAL SANITARY SEWER EXTENSION OF CERTAIN TERRITORY TO THE CITY OF SPRINGFIELD LOCATED ON LOMOND STREET BETWEEN LOCH DRIVE AND 23RD STREET AS IDENTIFIED ON ASSESSOR MAP 17-03-25-12 TAX LOTS 3400 AND 3500 AND REQUESTING THAT THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVE THE EXPEDITED ANNEXATION USING THE PROVISIONS OF ORS 199.466.

City Planner Kitti Gale presented the staff report on this item. The Home Builders Association (HBA) is undertaking a charity project to construct a house for the Reynolds family on Tax Lot 3500, which is outside the City Limits. Since the site is inside the UGB and within 300 feet of a sanitary sewer (OAR 340-071-0160(4)), the property must be annexed to build the house. An existing duplex on the adjacent lot must also be annexed and sewered because portions of its on-site septic system are located on the Reynolds site. In order to facilitate the HBA's charitable project, the Council approved a motion on August 21, 2006, conditionally authorizing the release the building permits before annexation approval by the Lane County Local Government Boundary Commission (LCLGBC). The Council's August 21st decision was conditioned upon (1) submittal of this pending annexation application and (2) that no occupancy occurs until LCLGBC approves this annexation and it becomes effective.

The Council is authorized by ORS 199.490(1)(a) to initiate annexation of territory within the UGB. All property owners are requesting annexation in order to connect to the City's sewer system. The City is not proposing the annexation of street rights-of-way at this time because LCLGBC will not use its expedited process for applications that include the annexation of roadways. Therefore, an *Extraterritorial Sanitary Sewer Extension* application has also been submitted because this territory is not contiguous to the city limits (See Attachment 1). The

Double-Majority annexation process -- where a majority of landowners and electors petition the City requesting annexation -- is not allowed for non-contiguous annexations. The applicant will be responsible for the cost of extending sewer to the site. Tax Lot 3400 is already developed with a duplex; Tax Lot 3500 will be developed by the HBA with a single-family dwelling for the Reynolds family. The applicant and the property owners have requested that this annexation and extraterritorial sewer extension be forwarded to the LCLGBC for an expedited process in order to meet the HBA's building schedule.

Ms. Gale noted a letter dated August 23 from the current tenant of the duplex, Elizabeth Link, which listed several of her concerns. The letter had been addressed to Councilors Pishioneri, Lundberg and Ballew only. Copies of the letter were at the full Council's places for this meeting. Ms. Gale said she spoke with Ms. Link and the property owner about those concerns. Ms. Link's first concern was that once the property was annexed, her rent could increase. The current owner said she and the tenant had discussed possible rent increases, but that had not yet been decided. That would be a private matter between the tenant and the owners. The second concern was that additional costs could be passed on to the tenants. That would be a private matter between the property owner and the tenant. Ms. Link also expressed concern about the new sidewalks and how that would affect existing landscaping. Ms. Gale said she spoke with the owner of the property. The owner said she was working with the tenants to move and relocate special plants in preparation for the installation of the sidewalks, which Ms. Link approved.

Mayor Leiken noted that he had not seen this letter until today.

Mr. Grimaldi explained the process for including letters in the agenda packet. When correspondence was addressed to the Mayor and Council it was included in the agenda packet. The letter in question was brought to staff's attention by Councilor Lundberg this morning and staff felt it was important that the Council have the information.

Councilor Ballew asked why sidewalks were being installed if streets were not included in the annexation.

Ms. Gale said the street was not part of the annexation, but the property owner chose to install the sidewalks as part of the improvement. The cost of the sidewalks would be paid by the HomeBuilders Association.

Councilor Ballew questioned having sidewalks on just the two lots being annexed.

Mr. Grimaldi said that was a common occurrence as newer homes were built in different areas.

Councilor Pishioneri asked about other pre-existing homes in the area. He asked if they could estimate when the sidewalks would be connected.

Public Works Director Dan Brown addressed this question. He said it could be many years before sidewalks were extended throughout the subdivision.

City Attorney Joe Leahy said if someone came in for a development application, it would occur at that time.

Mr. Brown agreed and said it was per the Municipal Code.

Ms. Gale concluded her staff report.

Mayor Leiken opened the public hearing.

1. Ed McMahon, HomeBuilders Association, 2053 Laura Street, Springfield, OR. Mr. McMahon thanked the Springfield staff for their professionalism on this project. He said the project was going well and they hoped to have the family moved in by Christmas.
2. Lynda Gardiepy, 2145 Loch Drive, Springfield, OR. Ms. Gardiepy said everyone on their street was very upset about this project. She said they had no notification of any annexation. The house was very large for this area and the neighbors had no say. She said the leeway in between the two houses was not adequate and was less than other property owners had been required to have. She said no one in this area was happy about this at all.

Mayor Leiken closed the public hearing.

Councilor Lundberg thanked the staff for their response to the letter she provided this afternoon. She said part of the Council's job was to be fair about how decisions were made and that's what she tried to do. She discussed the process that was out of order. She noted the letter and the potential hardship for the others involved in the annexation. She said she supported the HBA because of the many wonderful things they do, but there were many reasons she could not support this annexation.

Councilor Ballew said she agreed with Councilor Lundberg. She said the HBA did great things for the community, but she did not support island annexations.

Councilor Woodrow asked what the ramifications would be if this property was not annexed.

Ms. Gale said Council approved release of the building permits in August with the condition that there would be no occupancy of the structure until the property annexed. If the property was not annexed, the structure could not be occupied. She said she had not had a case where an annexation was denied, so she would need to discuss this further with her supervisor and manager.

Councilor Ralston said he supported this the first time and would support it again. The project was very worthwhile. The HBA proceeded with the knowledge that the Council had approved it in August, so making a different decision at this time was unreasonable. He said Council couldn't predict potential hardships for any development.

Councilor Woodrow asked if the family had been dislocated while the construction was underway.

Mr. McMahon said they continued to reside in their current home in Eugene.

Councilor Woodrow said he was sorry there could be a potential hardship for the tenants, but that was between the landlord and tenant. He acknowledged the inconvenience to the rest of the neighborhood. The intent was to provide quality housing for someone who truly needed it with medical problems. An island annexation was not favored by anyone, but there could be more

properties in that neighborhood that would be annexed. He supported this in the beginning and would continue to support it. It was an admirable thing for the HomeBuilders to do and he felt the Council should follow through with it.

Councilor Pishioneri said Council had been put in a position that was very difficult. He said the spirit of the Council was to push the project forward, whether he agreed in the beginning or not. He said he did not ever want to see something like this come up again. The family needed the house. He said he understood the tenants' situation, but would support the annexation.

Ms. Gale addressed the question about notice. She said it was policy and routine practice to send a notice twenty days prior to a public hearing. She said there was a notice sent out 20 days prior to the August public hearing and a notice sent out 20 days prior to this public hearing. She said it was City policy to send a notice to all property owners within 300 feet of the territory in question.

Councilor Pishioneri said there were homeowners in the audience that felt they weren't notified. He suggested broadening the notice requirement due to the issues this had raised. He said the heart of the Council was to take care of a family in need with the HomeBuilders' Association. He concurred that the HBA was a great organization, but it had not proceeded right and he never wanted to see anything done in this way again.

Councilor Woodrow said 300 feet was not a large area. He would like to see an expansion in the distance for people notified of such annexations, maybe up to 1000 feet, so the majority of the neighborhood affected was notified.

Mr. Leahy said the Planning Commission had a discussion about the area for notification six to eight months ago. A presentation was made by staff regarding the notification and how it related to cost. He said staff would bring that discussion, along with costs, to Council for consideration.

Councilor Lundberg said the process was done wrong and it was bad public policy and bad decision making. She was unhappy how this worked out for everyone, including the HBA. She said she never wanted to see this again.

Mayor Leiken discussed the spirit of the Council when the vote was taken in August and his role in breaking the tie. He was reminded of another project that was done in a similar manner that had caused the City many problems. He said this was not something the City would do again. He said the Council's hearts were big due to the issue, but it got in the way of public policy. This current Council could not hold future Council's to anything, but this Council would not move forward on something like this again. It was an uncomfortable process, but the project was worthwhile.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR PISHIONERI TO ADOPT RESOLUTION NO. 06-43. THE MOTION PASSED WITH A VOTE OF 3 FOR AND 2 AGAINST (Ballew and Lundberg) (1 ABSENT – Fitch).

BUSINESS FROM THE AUDIENCE –
There was none.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Bob Foster, 369 West D Street #1, Springfield, OR Regarding the Proposal to Close B Street for the Construction of the Springfield Justice Center.
2. Correspondence from Heather Phipps, Janelle Mudder, David Moffitt, Anthony Chambers, Jarrett Thompson and Rhoda Johnson, Thurston High School, 333 58th Street, Springfield, OR Inviting the Mayor and Council to Attend Challenge Day at THS.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ACCEPT THE CORRESPONDENCE FOR FILING. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST (1 ABSENT – Fitch).

BIDS

ORDINANCES

BUSINESS FROM THE CITY COUNCIL

1. Business from Council

a. Committee Reports

1. Mayor Leiken reported on the Metropolitan Policy Committee (MPC). He said the Citizen Advisory Committee portion of the meeting was very interesting.

Councilor Ballew added that the staff of the Metropolitan Policy Organization (MPO) was working on revision to the MPC by-laws. It related to the structure allowing one of the principal agencies to veto an issue. The change would address how to make it more 'majority rules'. She asked that Council forward any input on the changes to her or the Mayor.

2. Mayor Leiken asked if the dates for the 2007 United Front trip had been set.

Ms. Pappas said they had not yet been scheduled, but it was usually the last weekend of February.

3. Councilor Ballew reported on the issue of littering in Springfield. She referred to a program in New York that increased enforcement of littering and it helped make things better as the neighbors began to take more pride in their area. She suggested working with the parks and schools. She said it made a difference in how the City looked.
4. Councilor Ralston reported on the Housing Policy Board (HPB). He said there had been discussion regarding increasing the first time homebuyer payment. He said Springfield would be asked to approve that. It was a good program and reflected the rise in housing costs.

Councilor Ralston said he had also brought up the residential lands study to the HPB. The HPB may make a statement in the next few months suggesting Eugene go forward with the study in an expedient manner. He said he discussed with the board

members the issue of a possible expansion of the urban growth boundary (UGB) by Springfield and how the Metro Plan could be affected. He said it was an important issue.

Mayor Leiken asked Development Services Director Bill Grile for an update on this issue.

Mr. Grile said the planning directors from Springfield, Eugene and Lane County had been meeting. He said there were a number of good things in the Metro Plan that were worth saving, but there were also some issues that needed attention. The directors were discussing solutions that could bring a win-win situation.

Mr. Grile also noted that Springfield had increased the down payment program to \$10,000.

5. Councilor Woodrow said the Local Public Safety Coordinating Council (LPSCC) meeting would be held on October 24 as an all day seminar. This would include all the state Public Safety Coordinating Councils and would be held at the Eugene Armory. He said he would be doing a welcome, but would not be able to stay all day.
6. Councilor Pishioneri said late last week he and Councilor Lundberg met with Public Works staff about safety issues surrounding the power transmission lines along Martin Luther King Jr. Parkway. He said they appreciated staff's receptiveness and looked forward to a common sense solution.

He reminded Council that there was a Justice Center Citizen Advisory Committee (CAC) meeting from 5:00-7:00pm on Wednesday, October 18 in the Library Meeting Room.

Project Manager Carole Knapel said there would be a presentation of the design development of the Justice Center during that meeting.

7. Councilor Lundberg thanked everyone that helped coordinate the tours of the PeaceHealth hospital. She said it was incredible to see the hospital under construction and coming together.

She also discussed the new roundabout.

8. Mayor Leiken noted City Hall Day on Thursday, October 19 from 12:00 to 1:00pm. Confirmation had been received for attendance by our local legislators.

BUSINESS FROM THE CITY MANAGER

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at approximately 7:39 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder